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09/433,135	11/03/1999	JOHN G. SAVAGE	8243.00	2108

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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
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3629

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Please find below and/or attached an Office communication concerning this application or proceeding.



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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/433,135
Filing Date: November 03, 1999
Appellant(s): SAVAGE ET AL.

Michael Chan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/28/05.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 43-49 and 50,52, and 51 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6081782 Rabin 6-2000

(10) Grounds of Rejection

Claims 43,44,46-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabin (6081782). This rejection is set forth in a prior Office Action, mailed on 10/25/04.

Claims 50-52 are rejected under 35 USC 103 as being obvious in view of Rabin (6081782). This rejection is set forth in a prior Office Action, mailed on 10/25/04

(11) Response to Argument

With respect to the argument for claims 43-49 applicant has argued that the examiner has failed to consider the language from the claim that is directed to:

a) means for creating an audible dispensing prompt that contains a word that can be spoken by the user to instruct the terminal to dispense an item; (claims 43-45) or

b) means for creating an audible dispensing prompt that contains a question that can be answered by the user speaking either a positive or negative response (yes or no); (claims 46,47) or

c) means for creating an audible dispensing prompt that contains a word that can be spoken by the user to instruct the ATM to dispense cash to the user (claims 48,49).

The examiner has stated his position with respect to this language and this clearly indicates that the language in question has been considered. The examiner has not failed to address the language as alleged by applicant. The examiner has set forth that the means for creating the audible prompt is considered to be the processor 201

that controls the ATM. The processor is responsible for creating or causing the audible prompt to be spoken by the ATM. Applicant has not presented any reasoning as to why it is improper for the examiner to consider the processor 201 to be the claimed means for creating the audible prompt. The only argument presented is that because the examiner has failed to consider the "means for creating an audible dispensing prompt" language (which is not true) the rejection is improper. The examiner takes the position that the applicant is the one that has failed to address the prior art rejection as set forth by the examiner. The examiner sees no valid argument presented for the article claims 43-49 and feels the rejection to be proper.

Concerning claims 50 and 52, applicant has argued that the examiner has improperly rejected the claims under 35 USC 103. Rabin discloses that the terminal verbally prompts the user to state a command. In column 6, the example used in the telecommunications embodiment is that for a person to call home they would say "call home". The examiner feels that it would have been obvious to one of ordinary skill in the art to have the terminal help the user with their transaction by using prompts that contain the word that is to be spoken by the user (i.e. for a withdrawal, say withdrawal or for a deposit, say deposit). If a customer is just standing there and not indicating an action to be taken, the terminal can assist them by informing them of their possible choices on what to say. The fact that a user can assign different words for different actions to be taken is not a persuasive argument because the user can still be assisted by being informed of their choices. The system will still verify the user by their utterance of the word that indicates the action to be taken. The examiner simply feels that

because the terminal of Rabin is automated and verbally gives out and takes in instructions, one of ordinary skill in the art would find it obvious to assist the user in their possible choices. Doing such does not destroy Rabin in any way because the user still must say the command word and the system will then verify the user is authorized by comparing the spoken word to the stored word.

For claim 51, applicant has argued that it is not obvious to have the terminal ask a question with either a positive or negative response. This is just a recitation directed to asking a yes or no question. It is a well known fact that ATM money machines have for a long time included a question that asks "Would you like another transaction?" so that if the customer is not finished with their transaction they can continue. The question could also be "Would you like a receipt?". This is old and well known as well. Having the terminal ask a question with a yes or no answer is considered obvious.

Overall the examiner notes that the Summary of the Invention section of the specification never discussed the limitations being argued for patentability and it appears from a reading of the specification that the concept of verbal interaction with the terminal was what was considered to be novel. Only at a later point in prosecution did applicant introduce this feature to the claims and then begin to argue its importance.

For the above reasons, it is believed that the rejections should be sustained.

Application/Control Number: 09/433,135
Art Unit: 3629

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Respectfully submitted,



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PRIMARY EXAMINER

May 5, 2005

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